

REMARKS

Claims 1, 3-8, 10-14 and 17-18 currently appear in this application. The Office Action of November 28, 2005, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 1, 3-6, 10-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170A in view of Vitkovsky.

This rejection is respectfully traversed. Claims 1 and 8 have been amended to recite that a kilogram-size mass of fish meat is milled to a uniform particle size. Support for this amendment can be found in the application as filed at page 4, lines 10-12, namely, "In general, frozen ground fish meat masses are distributed in kg units for the sake of convenience in storage and handling."

That is, what is claimed herein is taking a kilogram size mass of frozen ground fish meat and grinding this mass into particles at -15°C or below, and then thawing the particles without shearing by elevating the temperature. In

the process claimed herein, kilogram size blocks of frozen ground fish meat are milled to uniform particle size, and then thawed without heating by elevating the temperature.

In contrast thereto, CA 1213170A teaches that ground meat is extruded as a homogeneous strip, which is frozen and then comminuted to form frozen particles. In CA 1213170A, cuts of meat are comminuted and then frozen, while in the presently claimed process large blocks of fish meat are comminuted and then thawed.

Alternative, in CA 1213170A, strands of uncooked meat are rapidly frozen and then comminuted to form frozen meat particles. These frozen meat particles are then packaged for sale to the consumer while still frozen. It should be noted that in the preferred embodiment, large chunks of meat are ground to a particle size, which permits performance of a further grinding operation on the meat. The temperature of the meat at the point of cutting is typically in the range of 34-40°F (see page 12, lines 2-8). CA 1213170A comminutes the meat to produce more rapid and even freezing of the meat. However, in the process claimed herein, frozen blocks of fish meat are comminuted while frozen to make thawing more even.

Vitkovsky adds nothing to CA 1213170A, because Vitkovsky also discloses frozen free-flowing particles of

food, but not for the purpose of easing the thawing process. Vitkovsky provides a method for preparing frozen free-flowing particles of food produced by supplying a food material, freezing the food material to a temperature at which the material is in a frangible state, and then fracturing the frangible frozen material to produce freed-flowing particles of frozen food product (column 1, lines 55-61).

Thus, there is nothing in the combination of CA 1213170A and Vitkovsky that would lead one skilled in the art to comminute frozen blocks of fish meat into particles and then thaw the particles. Both CA 1213170A and Vitkovsky are concerned with producing free-flowing particles, and not with providing an improved means to that frozen foods.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170A in view of Vitkovsky as applied above, and further in view of Katoh et al.

This rejection is respectfully traversed. As discussed *supra*, neither CA1213170A nor Vitkovsky discloses or suggests comminuting frozen blocks of fish meat in order to produce easily thawed particles. Katoh et al. add nothing to these disclosures, as Katoh et al. merely disclose a method of processing fish paste. There is nothing in Katoh et al. that would lead one skilled in the art to combine CA 1213170A and

Vitkovsky to produce a process for comminuting frozen fish meat to produce evenly thawed particles, even though these particles can be treated using a pin mixer.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh in view of CA 1213170A, Vitkovsky, and JP 06133739A.

This rejection is respectfully traversed. Claim 8 has been amended in the same manner as claim 1, to recite that kilogram size pieces of fish are processed by the herein claimed process. Katoh et al. teach thawing frozen fish paste (if used), mixing together the starting materials, molding the surimi, and heating the surimi to gel the proteins. The Examiner concedes that Katoh et al. do not teach milling frozen, ground fish meat at less than -15°C or heating by electricity.

CA 1213170A discloses that the frozen particles of meat may be immediately stored at a temperature of less than 32°F, and preferably in the range of 0°F, for later thawing. The subdivided particles can also be cooked without thawing (page 16, lines 15-27). However, CA 1213170A does not teach a process of thawing frozen fish, but, rather, teaches a process for producing frozen particles from an extruded strip of

frozen meat, which particles are then frozen for subsequent use.

JP06133739A teaches a method for producing molded fish paste by heating with electricity, but there is no motivation to combine this heating method with Katoh et al. to arrive at the present invention, because Katoh et al. thaw frozen fish paste without the comminuting step. The contribution of the present inventors is the comminuting of the frozen fish to produce particles which can be thawed uniformly.

In response to the Examiner's observation that CA 1213170A clearly teaches milling the frozen meat into small particles prior to thawing, it is respectfully submitted that CA 1213170A is not concerned with a process for producing uniformly and evenly thawed fish meat, but for producing frozen particles.

Entry of this amendment is respectfully requested, as it is believed that this amendment raises no new issues. The size of the ground fish meat mass was present in claim 1 as amended in the amendment filed October 12, 2005, as the fish meat mass was recited to be "in kg units." The present amendment, which recites that a kilogram size frozen ground


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fish meat mass, is merely an editorial change to claim 1, and therefore does not require additional consideration or search.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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